

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OCT 11 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

YA-WEN HSIAO,

Plaintiff-Appellant,

v.

EUGENE SCALIA, in his capacity as the
United States Secretary of Labor,

Defendant-Appellee.

No. 19-16870

D.C. No.

1:18-cv-00502-JAO-KJM

District of Hawaii,
Honolulu

ORDER

Before: SILVERMAN and W. FLETCHER, Circuit Judges.

Appellant's emergency motion for injunctive relief pending appeal (Docket Entry No. 3) is granted. *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The Department of Labor shall stay entry of its final judgment in Board of Alien Labor Certification Appeals case number 2012-PER-02131 such that the labor certification application at issue therein remains pending until the issuance of the mandate for this appeal.

Upon review of the record, this court has determined that the appointment of pro bono counsel in this appeal would benefit the court's review. The court by this order expresses no opinion as to the merits of this appeal.

The Clerk shall enter an order appointing pro bono counsel to represent appellant for purposes of this appeal only, and establishing a revised briefing schedule.

If appellant objects to the court's appointment of counsel in this appeal, appellant shall file a written objection within 14 days after the filing date of this order.

The court sua sponte expedites the briefing and hearing of this appeal.

The court will set the expedited briefing schedule following the appointment of counsel. Once a briefing schedule is established, the Clerk shall place this appeal on the next available oral argument calendar.

No streamlined extensions of time will be approved. *See* Ninth Circuit Rule 31-2.2(a)(1). No written motions for extensions of time under Ninth Circuit Rule 31-2.2(b) will be granted absent extraordinary and compelling circumstances.

The appeal is stayed pending further order of this court.